

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 PRISCELLA SAINTAL-BOWMAN,

Case No. 2:25-cv-00369-ART-NJK

4 Plaintiff,

ORDER DISMISSING AND CLOSING
5 v.
6 CASE
7 DAWNYELL FLYNN, et al.,
8 Defendants.

8 Plaintiff Priscella Saintal-Bowman brings this civil-rights action under 42
9 U.S.C. § 1983 to redress constitutional violations that she allegedly suffered
10 while incarcerated at Florence McClure Women's Correctional Center. (ECF
11 No. 1-1). On March 5, 2025, this Court ordered the plaintiff to either pay the full
12 \$405 filing fee or file a complete application to proceed *in forma pauperis* by May
13 5, 2025. (ECF No. 3). That deadline expired without any response by the plaintiff.

14 **I. DISCUSSION**

15 District courts have the inherent power to control their dockets and “[i]n
16 the exercise of that power, they may impose sanctions including, where
17 appropriate . . . dismissal” of a case. *Thompson v. Hous. Auth. of City of Los
18 Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action based
19 on a party’s failure to obey a court order or comply with local rules. *See Carey v.
20 King*, 856 F.2d 1439, 1440–41 (9th Cir. 1988) (affirming dismissal for failure to
21 comply with local rule requiring *pro se* plaintiffs to keep court apprised of
22 address); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987)
23 (dismissal for failure to comply with court order). In determining whether to
24 dismiss an action on one of these grounds, the Court must consider: (1) the
25 public’s interest in expeditious resolution of litigation; (2) the Court’s need to
26 manage its docket; (3) the risk of prejudice to the defendants; (4) the public
27 policy favoring disposition of cases on their merits; and (5) the availability of less
28 drastic alternatives. *See In re Phenylpropanolamine Prod. Liab. Litig.*, 460 F.3d

1217, 1226 (9th Cir. 2006) (quoting *Malone*, 833 F.2d at 130).

2 The first two factors, the public's interest in expeditiously resolving this
3 litigation and the Court's interest in managing its docket, weigh in favor of
4 dismissal of the plaintiff's claims. The third factor, risk of prejudice to
5 defendants, also weighs in favor of dismissal because a presumption of injury
6 arises from the occurrence of unreasonable delay in filing a pleading ordered by
7 the court or prosecuting an action. See *Anderson v. Air West*, 542 F.2d 522, 524
8 (9th Cir. 1976). The fourth factor—the public policy favoring disposition of cases
9 on their merits—is greatly outweighed by the factors favoring dismissal.

10 The fifth factor requires the Court to consider whether less drastic
11 alternatives can be used to correct the party's failure that brought about the
12 Court's need to consider dismissal. See *Yourish v. Cal. Amplifier*, 191 F.3d 983,
13 992 (9th Cir. 1999) (explaining that considering less drastic alternatives *before*
14 the party has disobeyed a court order does not satisfy this factor); accord
15 *Pagtalunan v. Galaza*, 291 F.3d 639, 643 & n.4 (9th Cir. 2002). Courts "need not
16 exhaust every sanction short of dismissal before finally dismissing a case, but
17 must explore possible and meaningful alternatives." *Henderson v. Duncan*, 779
18 F.2d 1421, 1424 (9th Cir. 1986). Because this Court cannot operate without
19 collecting reasonable fees, and litigation cannot progress without the plaintiff's
20 compliance with the Court's orders, the only alternative is to enter a second order
21 setting another deadline. But repeating an ignored order often only delays the
22 inevitable and further squanders the Court's finite resources. The circumstances
23 here do not indicate that this case will be an exception. Setting another deadline
24 is not a meaningful alternative given these circumstances. So the fifth factor
25 favors dismissal.

26 **II. CONCLUSION**

27 Having thoroughly considered these dismissal factors, the Court finds that
28 they weigh in favor of dismissal. It is therefore ordered that this action is

1 dismissed without prejudice based on the plaintiff's failure to address the matter
2 of the filing fee in compliance with the Court's order. The Clerk of Court is
3 directed to enter judgment accordingly and close this case. No other documents
4 may be filed in this now-closed case. If Priscella Saintal-Bowman wishes to
5 pursue her claims, she must file a complaint in a new case and address the
6 matter of the filing fee.

7 It is further ordered that the motions for various relief (ECF Nos. 1-2, 1-3)
8 are denied as moot.

9 DATED: May 20, 2025.

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13 ANNE R. TRAUM
14 UNITED STATES DISTRICT JUDGE
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